

By

S.B. No. 564

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of barbers and cosmetologists under the Texas Board of Barber and Cosmetologist Examiners and the abolition of the State Board of Barber Examiners and the Texas Cosmetology Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 132, Revised Statutes, is amended by adding Article 8475 to read as follows:

Art. 8475. TEXAS BOARD OF BARBER AND COSMETOLOGIST EXAMINERS

Sec. 1. DEFINITIONS. In this article:

(1) "Barber" means a person licensed as a barber under Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes).

(2) "Board" means the Texas Board of Barber and Cosmetologist Examiners.

(3) "Cosmetologist" means a person licensed as a cosmetologist under Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971 (Article 8451a, Vernon's Texas Civil Statutes).

(4) "Executive director" means the executive director of the board.

Sec. 2. BOARD. (a) The Texas Board of Barber and Cosmetologist Examiners is composed of nine members appointed by the governor. Board members serve staggered six-year terms, with

1 the terms of three members expiring on February 1 of each  
2 odd-numbered year.

3 (b) The members of the board are appointed as follows:

4 (1) three members must be licensed barbers, one of  
5 whom must be a practicing barber, one of whom must be the owner of  
6 a barber shop, and one of whom must be the owner of a barber school  
7 or college;

8 (2) three members must be licensed cosmetologists, one  
9 of whom must be a practicing cosmetologist, one of whom must be the  
10 owner of a beauty or specialty shop, and one of whom must be the  
11 owner of a private beauty culture school; and

12 (3) three members must be representatives of the  
13 general public.

14 (c) For the purposes of Section 5(d) of this article only,  
15 the executive director of the Texas Workforce Commission or that  
16 official's designee is an ex officio member of the board with  
17 voting privileges.

18 (d) A person is not eligible for appointment as a public  
19 member of the board if the person or the person's spouse:

20 (1) is registered, certified, or licensed by an  
21 occupational regulatory agency in the field of barbering or  
22 cosmetology;

23 (2) is employed by or participates in the management  
24 of a business entity or other organization regulated by the board  
25 or receiving funds from the board;

26 (3) owns or controls, directly or indirectly, more  
27 than a 10 percent interest in a business entity or other

1 organization regulated by the board or receiving funds from the  
2 board; or

3 (4) uses or receives a substantial amount of tangible  
4 goods, services, or funds from the board, other than compensation  
5 or reimbursement authorized by law for board membership,  
6 attendance, or expenses.

7 (e) An officer, employee, or paid consultant of a Texas  
8 trade association in the field of barbering or cosmetology may not  
9 be a member of the board and may not be an employee of the board  
10 who is exempt from the state's position classification plan or is  
11 compensated at or above the amount prescribed by the General  
12 Appropriations Act for step 1, salary group A17, of the position  
13 classification salary schedule.

14 (f) A person who is the spouse of an officer, manager, or  
15 paid consultant of a Texas trade association in the field of  
16 barbering or cosmetology may not be a member of the board and may  
17 not be an employee of the board who is exempt from the state's  
18 position classification plan or is compensated at or above the  
19 amount prescribed by the General Appropriations Act for step 1,  
20 salary group A17, of the position classification salary schedule.

21 (g) For the purposes of this section, a Texas trade  
22 association is a nonprofit, cooperative, and voluntarily joined  
23 association of business or professional competitors in this state  
24 designed to assist its members and its industry or profession in  
25 dealing with mutual business or professional problems and in  
26 promoting their common interest.

27 (h) A vacancy on the board shall be filled by appointment

1 by the governor of a person with the appropriate qualifications to  
2 serve for the remainder of the term.

3 (i) Appointments to the board shall be made without regard  
4 to the race, color, disability, sex, religion, age, or national  
5 origin of the appointees.

6 (j) The Texas Board of Barber and Cosmetologist Examiners is  
7 subject to Chapter 325, Government Code (Texas Sunset Act). Unless  
8 continued in existence as provided by that chapter, the board is  
9 abolished and this article, Chapter 65, Acts of the 41st  
10 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
11 Texas Civil Statutes), and Chapter 1036, Acts of the 62nd  
12 Legislature, Regular Session, 1971 (Article 8451a, Vernon's Texas  
13 Civil Statutes), expire September 1, 2011.

14 Sec. 3. GROUNDS FOR REMOVAL. (a) It is a ground for  
15 removal from the board if a member:

16 (1) does not have at the time of appointment the  
17 qualifications required by Section 2 of this article;

18 (2) does not maintain during service on the board the  
19 qualifications required by Section 2 of this article;

20 (3) violates a prohibition established by this section  
21 or Section 6 of this article;

22 (4) cannot because of illness or disability discharge  
23 the member's duties for a substantial part of the term for which  
24 the member is appointed; or

25 (5) is absent from more than half of the regularly  
26 scheduled board meetings that the member is eligible to attend  
27 during a calendar year unless the absence is excused by majority

1 vote of the board.

2 (b) The validity of an action of the board is not affected  
3 by the fact that it is taken when a ground for removal of a board  
4 member exists.

5 (c) If the executive director has knowledge that a potential  
6 ground for removal exists, the executive director shall notify the  
7 presiding officer of the potential ground. The presiding officer  
8 shall then notify the governor and the attorney general that a  
9 potential ground for removal exists. If the potential ground for  
10 removal involves the presiding officer, the executive director  
11 shall notify the next highest officer of the board, who shall  
12 notify the governor and the attorney general that a potential  
13 ground for removal exists.

14 Sec. 4. OFFICERS; MEETINGS. (a) The board shall elect  
15 annually from the membership of the board a presiding officer,  
16 assistant presiding officer, and secretary-treasurer.

17 (b) The board shall meet at least annually and at other  
18 times at the call of the presiding officer.

19 Sec. 5. BOARD POWERS AND DUTIES. (a) The board shall adopt  
20 rules consistent with this article for:

21 (1) the administration of this article and the  
22 operation of the board;

23 (2) the administration of Chapter 65, Acts of the 41st  
24 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
25 Texas Civil Statutes), subject to Subsection (c) of this section;  
26 and

27 (3) the administration of Chapter 1036, Acts of the

1 62nd Legislature, Regular Session, 1971 (Article 8451a, Vernon's  
2 Texas Civil Statutes), subject to Subsection (d) of this section.

3 (b) The board shall adopt application, examination,  
4 licensing, and renewal fees in amounts that are reasonable and  
5 necessary to provide sufficient revenue to cover the costs of  
6 administering the programs under the authority of the board. The  
7 fees set by the board may be adjusted so that the total fees  
8 collected are sufficient to meet the expenses of administering the  
9 board's responsibilities.

10 (c) In administering Chapter 65, Acts of the 41st  
11 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
12 Texas Civil Statutes), only the public members and the three barber  
13 members of the board may adopt rules or participate in disciplinary  
14 proceedings under this article. The participation of four barber  
15 and public members is required for a quorum under this subsection.

16 (d) In administering Chapter 1036, Acts of the 62nd  
17 Legislature, Regular Session, 1971 (Article 8451a, Vernon's Texas  
18 Civil Statutes), only the public members, the ex officio member,  
19 and the three cosmetologist members may adopt rules or participate  
20 in disciplinary proceedings under this article. The participation  
21 of four cosmetologist, public, and ex officio members is required  
22 for a quorum under this subsection.

23 (e) The board may appoint an executive director. The  
24 executive director may hire other personnel as necessary for the  
25 administration of this article.

26 Sec. 6. CONFLICT OF INTEREST. A person may not serve as a  
27 member of the board or act as the general counsel to the board if

1 the person is required to register as a lobbyist under Chapter 305,  
2 Government Code, because of the person's activities for  
3 compensation on behalf of a profession related to the operation of  
4 the board.

5 Sec. 7. PERSONNEL POLICIES. (a) The executive director or  
6 the executive director's designee shall develop an intra-agency  
7 career ladder program that addresses opportunities for mobility and  
8 advancement for employees within the board. The program shall  
9 require intra-agency posting of all positions concurrently with any  
10 public posting.

11 (b) The executive director or the executive director's  
12 designee shall develop a system of annual performance evaluations  
13 that are based on documented employee performance. All merit pay  
14 for board employees must be based on the system established under  
15 this subsection.

16 (c) The board shall develop and implement policies that  
17 clearly separate the policymaking responsibilities of the board and  
18 the management responsibilities of the executive director and the  
19 staff of the board.

20 Sec. 8. PUBLIC INTEREST INFORMATION. (a) The board shall  
21 prepare information of public interest describing the functions of  
22 the board and the procedures by which complaints are filed with and  
23 resolved by the board. The board shall make the information  
24 available to the public and appropriate state agencies.

25 (b) The board by rule shall establish methods by which  
26 consumers and service recipients are notified of the name, mailing  
27 address, and telephone number of the board for the purpose of

1 directing complaints to the board. The board may provide for that  
2 notification:

3 (1) on each registration form, application, or written  
4 contract for services of a person regulated under this article;

5 (2) on a sign prominently displayed in the place of  
6 business of each person regulated under this article; and

7 (3) in a bill for service provided by a person  
8 regulated under this article.

9 (c) The board shall develop materials and programs to  
10 educate the public concerning the licensing requirements imposed  
11 under this article, the need of the public to conduct business only  
12 with a licensed barber or cosmetologist, and the methods for  
13 reporting unlicensed activity.

14 Sec. 9. AGENCY FUNDS. All money paid to the board under  
15 this article is subject to Subchapter F, Chapter 404, Government  
16 Code.

17 Sec. 10. COMPLAINTS. (a) The board shall keep information  
18 about each complaint filed with the board. The information shall  
19 include:

20 (1) the date the complaint is received;  
21 (2) the name of the complainant;  
22 (3) the subject matter of the complaint;  
23 (4) a record of all persons contacted in relation to  
24 the complaint;

25 (5) a summary of the results of the review or  
26 investigation of the complaint; and

27 (6) for complaints for which the board did not take



1 action, an explanation of the reason the complaint was closed  
2 without action.

3 (b) The board shall keep a file about each written complaint  
4 filed with the board that the board has authority to resolve. The  
5 board shall provide to the person filing the complaint and the  
6 persons or entities complained about the board's policies and  
7 procedures pertaining to complaint investigation and resolution.  
8 The board, at least quarterly and until final disposition of the  
9 complaint, shall notify the person filing the complaint and the  
10 persons or entities complained about of the status of the complaint  
11 unless the notice would jeopardize an undercover investigation.

12 Sec. 11. EQUAL EMPLOYMENT OPPORTUNITY. (a) The executive  
13 director or the executive director's designee shall prepare and  
14 maintain a written policy statement to assure implementation of a  
15 program of equal employment opportunity under which all personnel  
16 transactions are made without regard to race, color, disability,  
17 sex, religion, age, or national origin. The policy statement must  
18 include:

19 (1) personnel policies, including policies relating to  
20 recruitment, evaluation, selection, appointment, training, and  
21 promotion of personnel that are in compliance with the requirements  
22 of Chapter 21, Labor Code;

23 (2) a comprehensive analysis of the board workforce  
24 that meets federal and state guidelines;

25 (3) procedures by which a determination can be made  
26 about the extent of underuse in the board workforce of all persons  
27 for whom federal or state guidelines encourage a more equitable

1       balance; and

2               (4) reasonable methods to appropriately address those  
3       areas of underuse.

4               (b) A policy statement prepared under Subsection (a) of this  
5       section must cover an annual period, be updated annually and  
6       reviewed by the state Commission on Human Rights for compliance  
7       with Subsection (a)(1) of this section, and be filed with the  
8       governor's office.

9               (c) The governor's office shall deliver a biennial report to  
10       the legislature based on the information received under Subsection  
11       (b) of this section. The report may be made separately or as a  
12       part of other biennial reports made to the legislature.

13               Sec. 12. STANDARDS OF CONDUCT. The executive director or  
14       the executive director's designee shall provide to members of the  
15       board and to board employees, as often as necessary, information  
16       regarding their qualification for office or employment under this  
17       article and their responsibilities under applicable laws relating  
18       to standards of conduct for state officers or employees.

19               Sec. 13. PUBLIC ACCESS. (a) The board shall develop and  
20       implement policies that provide the public with a reasonable  
21       opportunity to appear before the board and to speak on any issue  
22       under the jurisdiction of the board.

23               (b) The board shall comply with federal and state laws  
24       related to program and facility accessibility. The executive  
25       director shall also prepare and maintain a written plan that  
26       describes how a person who does not speak English can be provided  
27       reasonable access to the board's programs and services.

1           Sec. 14. BOARD MEMBER TRAINING. (a) Before a member of the  
2 board may assume the member's duties and before the member may be  
3 confirmed by the senate, the member must complete at least one  
4 course of the training program established under this section.

5           (b) A training program established under this section shall  
6 provide information to the member regarding:

7                   (1) the enabling legislation that created the board to  
8 which the member is appointed to serve;

9                   (2) the programs operated by the board;

10                  (3) the role and functions of the board;

11                  (4) the rules of the board, with an emphasis on the  
12 rules that relate to disciplinary and investigatory authority;

13                  (5) the current budget for the board;

14                  (6) the results of the most recent formal audit of the  
15 board;

16                  (7) the requirements of the:

17                           (A) open meetings law, Chapter 551, Government  
18 Code;

19                           (B) open records law, Chapter 552, Government  
20 Code; and

21                           (C) administrative procedure law, Chapter 2001,  
22 Government Code;

23                  (8) the requirements of the conflict of interest laws  
24 and other laws relating to public officials; and

25                  (9) any applicable ethics policies adopted by the  
26 board or the Texas Ethics Commission.

27           SECTION 2. Article 8402, Revised Statutes, is amended to

1 read as follows:

2 Art. 8402. REGISTERING NAME AND LOCATION. (a) Every  
3 person, firm, or corporation owning, operating or managing a barber  
4 shop or specialty shop shall register his full name and the  
5 location of said shop with the Texas [State] Board of Barber and  
6 Cosmetologist Examiners and must hold a permit for that shop. An  
7 applicant for a barber shop permit or specialty shop permit must  
8 submit an application to the [barber] board for the appropriate  
9 permit.

10 (b) In order that the public may fix responsibility for  
11 services, acts, or treatments performed by a barber [persons]  
12 licensed by the Texas [State] Board of Barber and Cosmetologist  
13 Examiners vis-a-vis those performed by a cosmetologist [persons]  
14 licensed by that board [~~the--Texas--Cosmetology--Commission~~], to  
15 promote the efficient and orderly administration of laws regulating  
16 barbers and the practice of barbering and the laws regulating  
17 cosmetologists and the practice of cosmetology, and to avoid  
18 confusion of the public [~~as--well--as--avoiding--conflicts---of~~  
19 ~~jurisdiction--between--such-board-and-commission-which-might-impede~~  
20 ~~effective-administration-or-enforcement-of--the--laws--under--their~~  
21 ~~respective-jurisdictions~~]:

22 (1) a person licensed as a [by-the] barber by the  
23 board may practice only at a location for which the board has  
24 issued a barber shop permit, specialty shop permit, barber school  
25 or college permit, or any other permit[~~--if--the--State--Board--of~~  
26 ~~Barber--Examiners--and-the-Texas-Cosmetology-Commission-license-the~~  
27 ~~same-facility,--the--board--may--not--adopt--rules--restricting--or~~

1 prohibiting--the--practice--by-a-Class-A-barber, manicurist, or wig  
2 specialist-in-the-facility]; and

3 (2) a person licensed as a cosmetologist by the board  
4 [cosmetology---commission] may practice cosmetology only at a  
5 location for which the board [commission] has issued a beauty shop  
6 license, private beauty culture school license, or any other  
7 license. [~~If the State Board of Barber Examiners and the Texas~~  
8 ~~Cosmetology Commission license the same facility, the commission~~  
9 ~~may not adopt rules restricting or prohibiting the practice by a~~  
10 ~~cosmetologist in the facility.~~]

11 (c) [~~If the State Board of Barber Examiners and the Texas~~  
12 ~~Cosmetology Commission license the same facility, the agencies may~~  
13 ~~not adopt rules requiring:~~

14 [~~(1) that the work areas of barbers and cosmetologists~~  
15 ~~practicing in the facility be separated;~~

16 [~~(2) that the waiting areas for customers of the~~  
17 ~~barbers and cosmetologists practicing in the facility be separated;~~

18 [~~(3) that the facility have separate restrooms for the~~  
19 ~~barbers or cosmetologists practicing in the facility or for the~~  
20 ~~customers of the barbers and cosmetologists; or~~

21 [~~(4) that the barbers and cosmetologists practicing in~~  
22 ~~the facility or the customers of the barbers and cosmetologists be~~  
23 ~~treated separately from each other in any similar manner.~~

24 [{d}] There shall at all times be prominently displayed in  
25 each shop and salon regulated under this Act[7] a sign in letters  
26 no smaller than one inch in height, the contents of which shall  
27 contain the name, mailing address, and telephone number of the

1 [regulatory] board [having--jurisdiction--over--those--individuals  
2 licensed--under--this--Act] and [which-shall-contain] a statement  
3 informing consumers that complaints against licensees can be  
4 directed to the [regulatory] board.

5 SECTION 3. Section 1, Chapter 65, Acts of the 41st  
6 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
7 Texas Civil Statutes), is amended to read as follows:

8 Sec. 1. It shall be unlawful for any person to engage in the  
9 practice or attempt to practice barbering in the State of Texas  
10 without a certificate or registration as a registered barber issued  
11 pursuant to the provisions of this Act[7] by the Texas Board of  
12 Barber and Cosmetologist Examiners [hereinafter-created].

13 SECTION 4. Sections 3(g) and (h), Chapter 65, Acts of the  
14 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
15 Texas Civil Statutes), are amended to read as follows:

16 (g) No person may operate a barber shop unless the shop is  
17 at all times under the sole and exclusive supervision and  
18 management of a registered Class A barber[7] and no person is  
19 practicing on the premises by authority of a cosmetologist [any]  
20 license, permit, or certificate issued by the board [Texas  
21 Cosmetology-Commission].

22 (h) A person operating under a permit who wishes to move his  
23 operation to another location approved by the board may do so by  
24 notifying the board 10 [Board-of-Barber-Examiners-ten] days before  
25 he makes the move.

26 SECTION 5. Sections 4(a)-(1), Chapter 65, Acts of the 41st  
27 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's

1 Texas Civil Statutes), are amended to read as follows:

2 (a) "Barber" ["barber"] shall mean any person who  
3 performs, offers, or attempts to perform any act of barbering,  
4 professes to do barbering or to be engaged in the practice thereof,  
5 or who directly or indirectly or in any manner whatsoever  
6 advertises or holds himself out as a barber or as authorized to  
7 practice barbering.[7]

8 (b) "Barbering," ["barbering7"] "practicing  
9 barbering," or the "practice of barbering" shall mean the  
10 performing or doing, or offering or attempting to do or perform,  
11 any, all or any combination of the following acts, services, works,  
12 treatments, or undertakings:

13 (1) arranging, beautifying, coloring,  
14 processing, shaving, styling, or trimming the mustache or beard by  
15 any means or method;

16 (2) arranging, beautifying, bleaching,  
17 cleansing, coloring, curling, dressing, dyeing, processing,  
18 shampooing, shaping, singeing, straightening, styling, tinting,  
19 waving, or otherwise treating the hair as primary services,  
20 treatments, or undertakings by any means or method, including any  
21 bobbing, clipping, cutting, or trimming of the hair as a necessary  
22 incident preparatory or ancillary to such primary services;

23 (3) cutting the hair as a primary service,  
24 treatment, or undertaking and not as a necessary incident  
25 preparatory or ancillary to those primary services enumerated in  
26 Section 4(b)(2), or primarily engaging in the occupation of cutting  
27 hair or practicing primarily as a haircutter by cutting hair as a

1 separate and independent service, treatment, or undertaking for  
2 which haircut a charge is made, as such, separate and apart from  
3 any other service, treatment, or undertaking, directly or  
4 indirectly, or in any manner whatsoever;

5 (4) cleansing, stimulating, or massaging the  
6 scalp, face, neck, arms, or shoulders by means of the hands,  
7 devices, apparatuses, or appliances, with or without the use of  
8 cosmetic preparations, antiseptics, tonics, lotions, or creams;

9 (5) beautifying the face, neck, arms, or  
10 shoulders by the use of cosmetic preparations, antiseptics, tonics,  
11 lotions, powders, oils, clays, creams, or appliances;

12 (6) cutting, trimming, polishing, tinting,  
13 coloring, cleansing, manicuring, or pedicuring the nails of any  
14 person or attaching false nails;

15 (7) massaging, cleansing, treating, or  
16 beautifying the hands of any person;

17 (8) administering facial treatments;

18 (9) hair weaving;

19 (10) shampooing or conditioning hair;

20 (11) servicing a wig, toupee, or artificial  
21 hairpiece on a human head or on a block, subsequent to the initial  
22 retail sale by any of the acts, services, works, treatments, or  
23 undertakings enumerated in Section 4(b)(2) of this Act;

24 (12) advertising or holding out to the public by  
25 any manner whatsoever that any person is a barber or authorized to  
26 practice barbering;

27 (13) advertising or holding out to the public by



1 any manner whatsoever that any location or place of business is a  
2 barber shop, specialty shop, barber school, barber college, or  
3 barber salon; and

4 (14) receiving any fee, salary, compensation, or  
5 financial benefit, or the promise of any fee, salary, compensation,  
6 or financial benefit, for performing, doing, offering, or  
7 attempting to perform or do any act, work, service, or thing, which  
8 is any part of the practice of barbering as herein defined.[7]

9 (c) "Barber [~~"barber"~~] shop" or "barber salon" shall  
10 mean any place where barbering is practiced, offered, or attempted  
11 to be practiced except when such place is duly licensed as a barber  
12 school or college.[7]

13 (d) "Board" [~~"board"~~] shall mean the Texas [State]  
14 Board of Barber and Cosmetologist Examiners. [~~as-established-and~~  
15 ~~provided-for-in-the-Texas-Barber-Law~~7]

16 (e) "Certificate" [~~"certificate"~~] shall mean a  
17 certificate of registration issued by the board in accordance with  
18 the provisions of this Act.[7]

19 (f) "License" [~~"license"~~] shall mean any license  
20 issued by the board in accordance with the provisions of this  
21 Act.[7]

22 (g) "Manager" [~~"manager"~~] shall mean any person who  
23 controls or directs the business affairs of a barber shop or  
24 directs the work of a person employed in a barber shop or both.[7]

25 (h) "Manicurist" [~~"manicurist"~~] specialty shop" shall  
26 mean any place where only the practice of barbering as defined by  
27 Sections 4(b)(6) and (7) of this Act is performed for

1 compensation.[7]

2 (i) "Permit" ["permit"] shall mean any permit issued  
3 by the board in accordance with the provisions of this Act.[7]

4 (j) "Person" ["person"] shall mean any individual,  
5 association, firm, corporation, partnership, or other legal  
6 entity.[7]

7 (k) "Specialty" ["specialty"] shop" shall mean a  
8 manicurist specialty shop or a wig specialty shop.[7]

9 (l) "Wig" ["wig"] specialty shop" shall mean any place  
10 where only the practice of barbering as defined by Section 4(b)(11)  
11 of this Act is performed for compensation.

12 SECTION 6. Section 6, Chapter 65, Acts of the 41st  
13 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
14 Texas Civil Statutes), is amended to read as follows:

15 Sec. 6. The following persons shall be exempt from the  
16 provisions of this Act, provided such persons are not represented,  
17 advertised, or held out to the public, directly or indirectly, or  
18 in any manner whatsoever, as barbers, journeymen barbers, barber  
19 technicians, or under any name, title, or designation indicating  
20 such person is authorized to practice by authority of any license  
21 or permit issued by the board:

22 (1) a doctor of medicine, doctor of osteopathic  
23 medicine, or registered nurse licensed and regulated by the State  
24 of Texas while operating within the scope of that person's license;

25 (2) commissioned or authorized medical or surgical  
26 officers of the United States Army, Navy, or Marine Hospital  
27 Service;

1                   (3) persons licensed or practicing by authority of the  
2 board [~~Texas--Cosmetology--Commission~~] under the provisions of  
3 Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971  
4 (Article 8451a, Vernon's Texas Civil Statutes), so long as such  
5 persons practice within the scope of the license or permit duly  
6 issued by the board [~~Texas-Cosmetology-Commission~~]; or

7                   (4) an inmate incarcerated in the Texas Department of  
8 Criminal Justice [~~Corrections~~] who performs barbering during the  
9 period of incarceration.

10           SECTION 7. Section 11(b), Chapter 65, Acts of the 41st  
11 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
12 Texas Civil Statutes), is amended to read as follows:

13           (b) No examination shall be held at a barber school,  
14 college, or shop owned, managed, or operated by a member of the  
15 board [~~State-Board-of-Barber-Examiners~~].

16           SECTION 8. Section 13, Chapter 65, Acts of the 41st  
17 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
18 Texas Civil Statutes), is amended to read as follows:

19           Sec. 13. PERMIT TO PRACTICE AS JOURNEYMAN BARBER. Any  
20 person who is at least 16-1/2 [~~sixteen-and-one-half~~] years of age,  
21 and who has a diploma showing graduation from a seven-grade grammar  
22 school, or its equivalent as determined by an examination conducted  
23 by the board [~~Board~~], and either

24           (a) Has a license or certificate of registration as a  
25 practicing barber from another State or country, which has  
26 substantially the same requirements for licensing or registering  
27 barbers as required by this Act, or

1           (b) Who can prove by personal affidavit that he has  
2 practiced as a barber in another State for at least two years  
3 immediately prior to making application in this State, and who  
4 possesses the qualifications required by this Act, shall, upon  
5 payment of the required fee, be issued a permit to practice as a  
6 journeyman barber only until he is called by the board [~~Board-of~~  
7 ~~Barber-Examiners~~] to determine his fitness to receive a certificate  
8 of registration to practice barbering. Should such applicant fail  
9 to pass the required examination he shall be allowed to practice as  
10 a journeyman barber until he is called by the board [~~Board~~] for the  
11 next term of examination. Should he fail at the examination he  
12 must cease to practice barbering in this State.

13           SECTION 9. Section 15A(f), Chapter 65, Acts of the 41st  
14 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
15 Texas Civil Statutes), is amended to read as follows:

16           (f) A person who holds a license, permit, or certificate to  
17 practice cosmetology issued by the board [~~Texas--Cosmetology~~  
18 ~~Commission~~] may not practice under that authority at a manicurist  
19 specialty shop regulated under this Act.

20           SECTION 10. Section 16(c), Chapter 65, Acts of the 41st  
21 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
22 Texas Civil Statutes), is amended to read as follows:

23           (c) The application shall be made on a form prescribed by  
24 the board [~~commission~~] and a \$10 administration fee must accompany  
25 the application.

26           SECTION 11. Section 18(f), Chapter 65, Acts of the 41st  
27 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's

1 Texas Civil Statutes), is amended to read as follows:

2 (f) A person who holds a license, permit, or certificate to  
3 practice cosmetology issued by the board [~~Texas---Cosmetology~~  
4 ~~Commission~~] may not practice under that authority at a wig  
5 specialty shop regulated under this Act.

6 SECTION 12. Section 23a, Chapter 65, Acts of the 41st  
7 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
8 Texas Civil Statutes), is amended to read as follows:

9 Sec. 23a. DUPLICATE CERTIFICATES. A duplicate registrant  
10 certificate may be issued by the board [~~Board-of-Barber---Examiners~~]  
11 on written application of the registrant and payment of a fee not  
12 to exceed \$10.

13 SECTION 13. Section 27a(a), Chapter 65, Acts of the 41st  
14 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
15 Texas Civil Statutes), is amended to read as follows:

16 (a) No barber inspector or other employee of the board  
17 [~~State---Board---of---Barber---Examiners~~] may sell barber supplies or  
18 engage in any other business which deals directly with barbers,  
19 barber shops, specialty shops, or barber schools except that he may  
20 engage in the practice of barbering.

21 SECTION 14. Section 28(a), Chapter 65, Acts of the 41st  
22 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
23 Texas Civil Statutes), is amended to read as follows:

24 (a) The Texas Board of Health shall make, establish and  
25 promulgate reasonable sanitary rules and regulations for the  
26 conduct of barber shops, specialty shops, and barber schools. The  
27 board [~~State---Board-of-Barber-Examiners~~], by and through the Texas

1 Department of Health, shall have authority, and it is made its duty  
2 to enter upon the premises of all barber shops, specialty shops,  
3 barber schools, or any place at which the board [State-Board-of  
4 Barber-Examiners] has probable cause to believe that any of its  
5 certificate holders or licensees are practicing illegally and  
6 inspect same at any time during business hours. On receipt of a  
7 formal written complaint by any person that a person who holds a  
8 barber or teacher certificate or license or a barber school, barber  
9 college, or barber shop permit issued by the board [State-Board--of  
10 Barber-Examiners] has violated this Act, that board may inspect the  
11 premises of the licensee or certificate holder to investigate the  
12 complaint at any time during business hours. A copy of such  
13 sanitary rules and regulations adopted by the Texas Board of Health  
14 shall be furnished to the executive director of the board [State  
15 Board-of-Barber-Examiners] who shall in turn forward to each  
16 barber, barber school or licensee of the board a copy of such rules  
17 and regulations. A copy of the sanitary rules and regulations  
18 promulgated and adopted by the Texas Board of Health shall be  
19 posted in barber shops, specialty shops, and barber schools in this  
20 State. Subject only to the authority of the Texas Board of Health  
21 to make and promulgate reasonable rules and regulations as to  
22 sanitation, the board [State-Board-of-Barber-Examiners] shall have  
23 full authority and power to make and enforce all rules and  
24 regulations necessary for the performance of its duties, to  
25 establish standards of conduct and ethics for all persons licensed  
26 or practicing under the provisions of this Act, and to regulate the  
27 practice and teaching of barbering in all of its particulars in

1 keeping with the purposes and intent of this Act or to insure  
2 strict compliance with and enforcement of this Act.

3 SECTION 15. Section 29, Chapter 65, Acts of the 41st  
4 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
5 Texas Civil Statutes), is amended to read as follows:

6 Sec. 29. RECORDS OF BOARD. ~~{a}~~ The board [Board] shall  
7 keep a record of its proceedings relating to the issuance, refusal,  
8 renewal, suspension, and revocation of certificates of  
9 registration, licenses, or permits. This record shall also contain  
10 the name, place of business, and residence of each registered  
11 barber, licensee, or permittee, and the date and number of his  
12 certificate of registration, license, or permit. This record shall  
13 be open to public inspection at all reasonable times.

14 ~~{b}--The--Board--shall--prepare--information--of--public--interest~~  
15 ~~describing--the--functions--of--the--Board--and--the--procedures--by--which~~  
16 ~~complaints--are--filed--with--and--resolved--by--the--Board.--The--Board~~  
17 ~~shall--make--the--information--available--to--the--public--and--appropriate~~  
18 ~~state--agencies.~~

19 ~~{c}--The--Board--by--rule--shall--establish--methods--by--which~~  
20 ~~consumers--and--service--recipients--are--notified--of--the--name,--mailing~~  
21 ~~address,--and--telephone--number--of--the--Board--for--the--purpose--of~~  
22 ~~directing--complaints--to--the--Board.--The--Board--may--provide--for--that~~  
23 ~~notification.~~

24 ~~{1}--on--each--registration--form,--application,--or~~  
25 ~~written--contract--for--services--of--an--individual--or--entity--regulated~~  
26 ~~by--the--Board,~~

27 ~~{2}--on--a--sign--prominently--displayed--in--the--place--of~~

1 business-of-each-individual-or-entity-regulated-under-this-Act,-or  
2 [ (3) --in--a--bill-for-service-provided-by-an-individual  
3 or-entity-regulated-by-the-Board-

4 [ (d) --The-Board-shall-develop--and--implement--policies--that  
5 provide--the--public-with-a-reasonable-opportunity-to-appear-before  
6 the-Board-and-to-speak-on-any-issue-under-the-jurisdiction--of--the  
7 Board-

8 [ (e) --The-Board--shall--prepare--and-maintain-a-written-plan  
9 that-describes-how-a-person-who-does-not-speak-English-or-who-has-a  
10 physical,-mental,-or--developmental--disability--may--be--provided  
11 reasonable-access-to-the-Board's-programs-]

12 SECTION 16. Section 1(2), Chapter 1036, Acts of the 62nd  
13 Legislature, Regular Session, 1971 (Article 8451a, Vernon's Texas  
14 Civil Statutes), is amended to read as follows:

15 (2) "Board" [~~"Commission"~~] means the Texas Board of  
16 Barber and Cosmetologist Examiners [~~Cosmetology-Commission~~].

17 SECTION 17. Section 4, Chapter 1036, Acts of the 62nd  
18 Legislature, Regular Session, 1971 (Article 8451a, Vernon's Texas  
19 Civil Statutes), is amended to read as follows:

20 Sec. 4. POWERS AND DUTIES OF BOARD [~~THE--COMMISSION~~]. (a)  
21 [~~The--commission--may--issue-rules-consistent-with-this-Act-after-a~~  
22 ~~public-hearing-in-accordance-with-the-Administrative-Procedure--and~~  
23 ~~Texas---Register---Act--(Article--6252-13a,-Vernon's--Texas--Civil~~  
24 ~~Statutes)-~~

25 [ (b) ] The board [~~commission~~] may not adopt rules restricting  
26 competitive bidding or advertising by a person regulated by the  
27 board under this Act [~~commission~~] except to prohibit false,



1 misleading, or deceptive practices by that person.

2       **(b)** [~~(c)~~] The board [~~commission~~] may not include in the  
3 rules under this Act rules to prohibit false, misleading, or  
4 deceptive practices by a person regulated by the board under this  
5 Act [~~commission~~] a rule that:

6               (1) restricts the use of any medium for advertising;

7               (2) restricts the person's personal appearance or the  
8 use of the person's voice in an advertisement;

9               (3) relates to the size or duration of an  
10 advertisement by the person; or

11              (4) restricts the person's advertisement under a trade  
12 name.

13       **(c)** [~~(d)~~] The board [~~commission~~] shall prescribe the minimum  
14 curricula of the subjects and hours of each to be taught by private  
15 beauty culture schools and vocational cosmetology programs in  
16 public schools.

17       **(d)** [~~(e)~~] The board [~~commission~~] shall establish under this  
18 Act sanitation rules designed to prevent the spread of infectious  
19 or contagious diseases.

20       **(e)** [~~(f)~~] The board [~~commission~~] may recognize, prepare, or  
21 administer continuing education programs for the practice of  
22 cosmetology. Participation in the programs is voluntary.

23       **(f)** [~~(g)~~]~~--The commission shall provide--to--its--members--and~~  
24 ~~employees,--as--often--as--necessary,--information--regarding--their~~  
25 ~~qualifications--for--office--or--employment--under--this--Act--and--their~~  
26 ~~responsibilities--under--applicable--laws--relating--to--standards--of~~  
27 ~~conduct--for--state--officers--or--employees.~~

1           [~~(h)~~---The-commission-shall-develop-and-implement-policies  
2           that---clearly---define-the-respective-responsibilities-of-the  
3           commission-and-the-staff-of-the-commission-

4           [~~(i)~~---The-commission-shall-develop-and-implement-policies  
5           that---provide-the-public-with-a-reasonable-opportunity-to-appear  
6           before-the-commission-and-to-speak-on-any-issue-under-the  
7           jurisdiction-of-the-commission-

8           [~~(j)~~---The-commission-shall-prepare-and-maintain-a-written  
9           plan-that-describes-how-a-person-who-does-not-speak-English-or-who  
10          has-a-physical, mental, or developmental disability-can-be-provided  
11          reasonable-access-to-the-commission's-programs-

12          [~~(k)~~---The-commission-shall-set-and-monitor-hiring-goals-for  
13          women-and-minorities-for-each-program-area-of-the-agency-and-shall  
14          coordinate-recruiting-efforts-with-student-organizations-and-other  
15          groups-able-to-assist-in-meeting-those-hiring-goals---The-executive  
16          director---shall-prepare-and-submit-a-report-to-the-commission-not  
17          later-than-February-1-of-each-year-outlining-the-progress-of-the  
18          agency-in-the-recruitment-and-hiring-of-women-and-minority-job  
19          applicants-

20          [~~(l)~~] The board [commission] may request and, if necessary,  
21          compel by subpoena the attendance of witnesses for examination  
22          under oath and the production for inspection and copying of books,  
23          accounts, records, papers, correspondence, documents, and other  
24          evidence relevant to the investigation of alleged violations of  
25          this Act. If a person fails to comply with a subpoena issued under  
26          this subsection, the board [commission], acting through the  
27          attorney general, may file suit to enforce the subpoena in a

1 district court in Travis County or in the county in which a hearing  
2 conducted by the board [~~commission~~] may be held. The court, if it  
3 determines that good cause exists for the issuance of the subpoena,  
4 shall order compliance with the requirements of the subpoena.  
5 Failure to obey the order of the court may be punished by the court  
6 as contempt.

7 [~~{m}--The--commission--by--rule--shall--establish--and--assess--on~~  
8 ~~all--persons--and--entities--licensed--or--regulated--under--this--Act~~  
9 ~~reasonable--and--necessary--fees--in--amounts--necessary--to--administer~~  
10 ~~this-Act-]~~

11 SECTION 18. Sections 10(b), (c), and (d), Chapter 1036, Acts  
12 of the 62nd Legislature, Regular Session, 1971 (Article 8451a,  
13 Vernon's Texas Civil Statutes), are amended to read as follows:

14 (b) An applicant for an operator license must be at least 17  
15 years of age, have completed the seventh grade or its equivalent,  
16 and have completed 1,500 hours of instruction in a licensed beauty  
17 culture school or 1,000 hours of instruction in beauty culture  
18 courses and 500 hours of related high school courses prescribed by  
19 the board [~~commission~~] in a public school vocational program.

20 (c) The application must be made on a form prescribed by the  
21 board [~~commission~~] and must be filed at least 10 days before the  
22 date set for the examination.

23 (d) The applicant is entitled to an operator license if the  
24 applicant possesses the qualifications enumerated in Subsection (b)  
25 of this section, satisfactorily completes the examination, pays the  
26 license fee prescribed by the board [~~commission~~], and has not  
27 committed an act that constitutes a ground for denial of a license.

1           SECTION 19. Sections 11(b), (c), and (d), Chapter 1036, Acts  
2 of the 62nd Legislature, Regular Session, 1971 (Article 8451a,  
3 Vernon's Texas Civil Statutes), are amended to read as follows:

4           (b) An applicant for a manicurist license must be at least  
5 17 years of age, have completed the seventh grade or its  
6 equivalent, and have completed 600 hours of instruction in  
7 manicuring through a training program approved by the board  
8 [commission].

9           (c) The application must be made on a form prescribed by the  
10 board [commission] and must be filed at least 10 days before the  
11 date set for the examination.

12           (d) The applicant is entitled to a manicurist license if the  
13 applicant possesses the qualifications enumerated in Subsection (b)  
14 of this section, satisfactorily completes the examination, pays the  
15 license fee prescribed by the board [commission], and has not  
16 committed an act that constitutes a ground for denial of a license.

17           SECTION 20. Sections 12(b), (c), (d), and (e), Chapter 1036,  
18 Acts of the 62nd Legislature, Regular Session, 1971 (Article 8451a,  
19 Vernon's Texas Civil Statutes), are amended to read as follows:

20           (b) An applicant for an instructor license must be at least  
21 18 years of age, have completed the 12th grade or its equivalent,  
22 have a valid operator license, and have completed a course  
23 consisting of 750 hours of instruction in cosmetology courses and  
24 methods of teaching in a licensed private beauty culture school or  
25 in a vocational training program of a publicly financed  
26 postsecondary institution or at least two years of verifiable  
27 experience as a licensed operator and at least 250 hours of

1 instruction in cosmetology in a training program approved by the  
2 board [~~commission~~].

3 (c) The application must be on a form prescribed by the  
4 board [~~commission~~] and must be filed at least 10 days before the  
5 date set for the examination.

6 (d) The applicant is entitled to an instructor license if  
7 the applicant possesses qualifications enumerated in Subsection (b)  
8 of this section, satisfactorily completes the examination, pays the  
9 license fee prescribed by the board [~~commission~~], and has not  
10 committed an act that constitutes a ground for denial of a license.

11 (e) The board [~~commission~~] shall establish rules for the  
12 licensing of specialty instructors to teach specialty courses in  
13 the practice of cosmetology as defined in Paragraphs (D) and (F) of  
14 Subdivision (3) of Section 1 of this Act.

15 SECTION 21. Sections 13(b), (c), (d), and (e), Chapter 1036,  
16 Acts of the 62nd Legislature, Regular Session, 1971 (Article 8451a,  
17 Vernon's Texas Civil Statutes), are amended to read as follows:

18 (b) An applicant for a specialty certificate must be at  
19 least 17 years of age, have completed the seventh grade or its  
20 equivalent, and have the necessary requisites as determined by the  
21 board [~~commission~~] in the particular specialty in which  
22 certification is sought, including training through a training  
23 program approved by the board [~~commission~~].

24 (c) The application must be on a form prescribed by the  
25 board [~~commission~~].

26 (d) The applicant is entitled to a speciality certificate if  
27 the applicant possesses the qualifications enumerated in Subsection

1 (b) of this section, pays the certificate fee prescribed by the  
2 board [~~commission~~], and has not committed an act that constitutes a  
3 ground for denial of a certificate.

4 (e) Subsection (a) of this section does not apply to an  
5 individual who has an instructor license or operator license issued  
6 by the board [~~commission~~].

7 SECTION 22. Sections 13A(b), (c), (d), and (e), Chapter  
8 1036, Acts of the 62nd Legislature, Regular Session, 1971 (Article  
9 8451a, Vernon's Texas Civil Statutes), are amended to read as  
10 follows:

11 (b) An applicant for a facialist specialty license must be  
12 at least 17 years of age, have completed the seventh grade or its  
13 equivalent, and have the necessary requisites as determined by the  
14 board [~~commission~~] in the facialist specialty.

15 (c) The application must be on a form prescribed by the  
16 board [~~commission~~] and must be filed at least 10 days before the  
17 date set for examination.

18 (d) The applicant is entitled to a facialist speciality  
19 license if the applicant possesses the qualifications enumerated in  
20 Subsection (b) of this section, satisfactorily completes the  
21 examination, pays the license fee prescribed by the board  
22 [~~commission~~], and has not committed an act that constitutes a  
23 ground for denial of a license.

24 (e) Subsection (a) of this section does not apply to an  
25 individual who has an instructor license or operator license issued  
26 by the board [~~commission~~].

27 SECTION 23. Section 15(b), Chapter 1036, Acts of the 62nd

1       Legislature, Regular Session, 1971 (Article 8451a, Vernon's Texas  
2       Civil Statutes), is amended to read as follows:

3               (b) A temporary license shall be issued on submission of an  
4       application form prescribed by the board [~~commission~~] and payment  
5       of the temporary license fee prescribed by the board [~~commission~~]  
6       if the applicant meets the requirements of Subsection (a) of this  
7       section.

8               SECTION 24. Section 16, Chapter 1036, Acts of the 62nd  
9       Legislature, Regular Session, 1971 (Article 8451a, Vernon's Texas  
10       Civil Statutes), is amended to read as follows:

11              Sec. 16. DUPLICATE LICENSE OR CERTIFICATE. (a) A duplicate  
12       license or certificate shall be issued upon application on a form  
13       prescribed by the board [~~commission~~] and on the payment of the fee  
14       prescribed by the board [~~commission~~].

15              (b) A transcript shall be given to licensees under this Act  
16       upon application on a form prescribed by the board [~~commission~~] and  
17       payment of the fee prescribed by the board [~~commission~~].

18              SECTION 25. Section 17(b), Chapter 1036, Acts of the 62nd  
19       Legislature, Regular Session, 1971 (Article 8451a, Vernon's Texas  
20       Civil Statutes), is amended to read as follows:

21              (b) The applicant shall submit an application on a form  
22       prescribed by the board [~~commission~~] and pay the fee prescribed by  
23       the board [~~commission~~], plus the applicable license or  
24       certification fee.

25              SECTION 26. Section 18(b), Chapter 1036, Acts of the 62nd  
26       Legislature, Regular Session, 1971 (Article 8451a, Vernon's Texas  
27       Civil Statutes), is amended to read as follows:

1 (b) A student permit shall be issued on submission of an  
2 application form prescribed by the board [~~commission~~] and payment  
3 of the fee prescribed by the board [~~commission~~], which must  
4 accompany the application.

5 SECTION 27. Sections 19(b), (c), (d), and (e), Chapter 1036,  
6 Acts of the 62nd Legislature, Regular Session, 1971 (Article 8451a,  
7 Vernon's Texas Civil Statutes), are amended to read as follows:

8 (b) An applicant for a beauty shop license must submit an  
9 application on a form prescribed by the board [~~commission~~]. The  
10 application must contain proof of the particular requisites for a  
11 beauty shop as established by the board [~~commission~~] and must be  
12 verified by the applicant. With the application, the applicant  
13 must submit the inspection fee prescribed by the board  
14 [~~commission~~].

15 (c) The applicant is entitled to a beauty shop license if  
16 the application shows compliance with the rules of the board  
17 [~~commission~~], the license fee prescribed by the board [~~commission~~]  
18 is paid, and the applicant has not committed an act that  
19 constitutes a ground for denial of a license.

20 (d) In order that the public may fix responsibility for  
21 services, acts, or treatments performed by persons licensed as  
22 barbers by the board [~~State-Board-of-Barber-Examiners~~] vis-a-vis  
23 those performed by persons licensed as cosmetologists by the board  
24 [~~Texas--Cosmetology--Commission~~], and to promote the efficient and  
25 orderly administration of laws regulating barbers and the practice  
26 of barbering and the laws regulating cosmetologists and the  
27 practice of cosmetology[~~,-and-to-avoid-confusion-of-the-public-as~~



1 well-as-avoiding-conflicts-of-jurisdiction-between-such--board--and  
2 commission---which---might---impede---effective--administration--or  
3 enforcement-of-the-laws-under-their-respective-jurisdictions,--from  
4 and-after-January-31,--1980]:

5 (1) a person licensed to practice barbering by the  
6 [barber] board may practice barbering only at a location for which  
7 the board has issued a barber shop permit, barber school or college  
8 permit, or any other permit[,---If--the--State--Board-of-Barber  
9 Examiners-and-the-Texas-Cosmetology--Commission--license--the--same  
10 facility,--the-board-may-not-adopt-rules-restricting-or-prohibiting  
11 the-practice-by-a-Class-A-barber-in-the-facility]; and

12 (2) a person licensed to practice cosmetology by the  
13 board [cosmetology--commission] may practice cosmetology only at a  
14 location for which the board [commission] has issued a beauty shop  
15 license, private beauty culture school license, or any other  
16 license. [If-the-State-Board-of-Barber--Examiners--and--the--Texas  
17 Cosmetology--Commission--license--the-same-facility,--the-commission  
18 may-not-adopt-rules-restricting-or-prohibiting-the--practice--by--a  
19 cosmetologist-in-the-facility-

20 [(e)--If--the--State--Board-of-Barber-Examiners-and-the-Texas  
21 Cosmetology-Commission-license-the-same-facility,--the-agencies--may  
22 not-adopt-rules-requiring-

23 [(1)--that-the-work-areas-of-barbers-and-cosmetologists  
24 practicing-in-the-facility-be-separated;

25 [(2)--that--the--waiting--areas--for--customers--of-the  
26 barbers-and-cosmetologists-practicing-in-the-facility-be-separated;

27 [(3)--that-the-facility-have-separate-restrooms-for-the

1     ~~barbers-or-cosmetologists-practicing-in-the--facility--or--for--the~~  
2     ~~customers-of-the-barbers-and-cosmetologists,-or~~

3             ~~[(4)--that-the-barbers-and-cosmetologists-practicing-in~~  
4     ~~the--facility-or-the-customers-of-the-barbers-and-cosmetologists-be~~  
5     ~~treated-separately-from-each-other-in-any-similar-manner-]~~

6             SECTION 28. Sections 20(b), (c), and (d), Chapter 1036, Acts  
7     of the 62nd Legislature, Regular Session, 1971 (Article 8451a,  
8     Vernon's Texas Civil Statutes), are amended to read as follows:

9             (b) An applicant for a specialty shop license must submit an  
10     application on a form prescribed by the board ~~[commission]~~. The  
11     application must contain proof of the particular requisites for a  
12     specialty shop as established by the board ~~[commission]~~ and must be  
13     verified by the applicant. With the application, the applicant  
14     must submit the inspection fee prescribed by the board  
15     ~~[commission]~~.

16            (c) The applicant is entitled to a specialty shop license if  
17     the application shows compliance with the rules and regulations of  
18     the board ~~[commission]~~, the license fee prescribed by the board  
19     ~~[commission]~~ is paid, and the applicant has not committed an act  
20     that constitutes a ground for denial of a license.

21            (d) Subsection (b) of this section does not apply to a shop  
22     operated under a beauty shop license issued by the board  
23     ~~[commission]~~.

24            SECTION 29. Sections 20A(b), (c), and (d), Chapter 1036,  
25     Acts of the 62nd Legislature, Regular Session, 1971 (Article 8451a,  
26     Vernon's Texas Civil Statutes), are amended to read as follows:

27            (b) An applicant for a booth rental license must submit an

1 application on a form prescribed by the board [~~commission~~]. The  
2 application must contain information as required by rule by the  
3 board [~~commission~~] and must be verified by the applicant.

4 (c) The applicant is entitled to a booth rental license if  
5 the applicant:

6 (1) pays the application fee set by the board  
7 [~~commission~~] in an amount reasonable and necessary to cover the  
8 costs of administering the booth rental licensing program;

9 (2) shows compliance with the rules of the board  
10 [~~commission~~]; and

11 (3) has not committed an act that constitutes a ground  
12 for denial of a license or certificate.

13 (d) The board [~~commission~~] shall adopt rules relating to the  
14 information submitted for a booth rental license, including  
15 information regarding the applicant's compliance with state and  
16 federal tax laws.

17 SECTION 30. Sections 21(b), (c), (d), (e), and (k), Chapter  
18 1036, Acts of the 62nd Legislature, Regular Session, 1971 (Article  
19 8451a, Vernon's Texas Civil Statutes), are amended to read as  
20 follows:

21 (b) An applicant for a private beauty culture school license  
22 must submit an application on a form prescribed by the board  
23 [~~commission~~]. Each application must be verified by the applicant  
24 and must contain:

25 (1) a detailed floor plan of the school building  
26 divided into two separate areas, one for instruction in theory and  
27 one clinic work area; and

1           (2) a statement that the building is fireproof and of  
2 permanent type construction, contains a minimum of 3,500 square  
3 feet of floor space, with separate restrooms for male and female  
4 students, and contains or will contain before classes commence the  
5 equipment established by rule of the board [~~commission~~] as  
6 sufficient to properly instruct a minimum of 50 students.

7           (c) The board [~~commission~~] shall determine that an applicant  
8 for a private beauty culture school license is financially sound  
9 and capable of fulfilling the school's commitments for training  
10 before granting the license.

11           (d) Each application for a private beauty culture school  
12 license must be accompanied by payment of the license fee and  
13 inspection fee prescribed by the board [~~commission~~]. Each  
14 application for certification as a public secondary or public  
15 postsecondary beauty culture school must be accompanied by the  
16 inspection fee prescribed by the board [~~commission~~]. The  
17 inspection fee is charged for each inspection trip required before  
18 approval of the license or certificate.

19           (e) The facilities of each applicant shall be inspected.  
20 The applicant is entitled to a private beauty culture school  
21 license if the inspection shows that this Act and the rules of the  
22 board [~~commission~~] have been met and the applicant has not  
23 committed an act that constitutes a ground for denial of a license.

24           (k) If a refund is not made within the period required by  
25 this section, the school shall pay interest on the refund for the  
26 interval beginning with the first day following the expiration of  
27 the refund period and ending with the day immediately preceding the

1 date the refund is made. If the refund is made to a lending  
2 institution, the interest shall also be paid to that institution  
3 and applied against the student's loan. The commissioner of  
4 education annually shall establish the level of interest at a level  
5 sufficient to provide a deterrent to the retention of student  
6 funds. The board [~~commission~~] may exempt a school from the payment  
7 of the interest if the school makes a good faith effort to refund  
8 the tuition but is unable to locate the student. The school shall  
9 provide to the board [~~commission~~] on request documentation of the  
10 effort to locate the student.

11 SECTION 31. Sections 21A(a)-(e), Chapter 1036, Acts of the  
12 62nd Legislature, Regular Session, 1971 (Article 8451a, Vernon's  
13 Texas Civil Statutes), are amended to read as follows:

14 (a) At [~~In-addition-to-the-bond-requirements--imposed--under~~  
15 ~~Section--21(c)--of--this-Act,--at~~] the time that each private beauty  
16 culture school pays its annual renewal fee, in the years provided  
17 by Subsection (c) of this section, the board [~~commission~~] shall  
18 [~~also~~] collect a fee from the school for deposit in a special fund  
19 established in the state treasury called the private beauty culture  
20 school tuition protection fund.

21 (b) The board [~~commission~~] shall determine the amount of the  
22 fee by applying a percentage to each school's annual renewal fee.  
23 The percentage is the rate determined by the board [~~commission~~]  
24 that, when applied to the total of all renewal fees, will result in  
25 the collection of \$200,000 for deposit in the fund in the first  
26 three years that the fee is collected.

27 (c) Beginning on January 1, 1992, the board [~~commission~~]

1 shall collect the fee for three years. If on January 1, 1995, or  
2 on January 1 of any subsequent year the amount in the fund is less  
3 than \$200,000, the board [~~commission~~] shall collect a fee during  
4 that year by applying a percentage to each school's annual renewal  
5 fee at a rate that will bring the balance of the fund to \$200,000.

6 (d) The comptroller shall invest the fund in the same manner  
7 as other state funds. Sufficient funds from the tuition protection  
8 fund shall be appropriated to the board [~~commission~~] for the  
9 purpose outlined in this section. The board [~~commission~~] shall  
10 administer claims made against the fund.

11 (e) If a school closes, the board [~~commission~~] shall attempt  
12 to arrange for students of the closed school to attend another  
13 private beauty culture school.

14 SECTION 32. Section 21B, Chapter 1036, Acts of the 62nd  
15 Legislature, Regular Session, 1971 (Article 8451a, Vernon's Texas  
16 Civil Statutes), is amended to read as follows:

17 Sec. 21B. COURSE LENGTH AND CURRICULUM OF PRIVATE BEAUTY  
18 CULTURE SCHOOL. (a) A private beauty culture school must submit  
19 to the board [~~commission~~] for approval the course lengths and  
20 curriculum content for each course offered by the school. The  
21 course lengths and content may not be implemented unless the board  
22 [~~commission~~] approves them. The course lengths and content shall  
23 reasonably ensure that students develop the job skills and  
24 knowledge necessary for employment.

25 (b) The board [~~commission~~] shall require a school to account  
26 fully for all curriculum contents and course lengths before issuing  
27 or renewing a license, and a school that is manipulating course

1 lengths below or above industry standards shall be placed on  
2 probation until justification for the deviation is proved or the  
3 practice ceases.

4 SECTION 33. Sections 22(b), (c), (d), (f), and (g), Chapter  
5 1036, Acts of the 62nd Legislature, Regular Session, 1971 (Article  
6 8451a, Vernon's Texas Civil Statutes), are amended to read as  
7 follows:

8 (b) Each holder of a private beauty culture school license  
9 shall furnish to the board [~~commission~~]:

10 (1) the current course completion rates of students  
11 who attend a course of instruction offered by the school; and

12 (2) job placement rates and employment rates of  
13 students who complete a course of instruction.

14 (c) On the graduation of a student from a course of training  
15 offered by a private beauty culture school or the student's  
16 withdrawal or transfer from a course of training without completion  
17 of the training, the private beauty culture school shall send the  
18 board [~~commission~~] a certified written copy of the student's  
19 record, indicating all course hours completed by the student and  
20 whether the agreed tuition has been paid.

21 (d) A holder of a private beauty culture school license  
22 shall furnish each prospective student with:

- 23 (1) a copy of the course outline;  
24 (2) a schedule of the tuition and other fees assessed;  
25 (3) the refund policy required under Section 21 of  
26 this Act;  
27 (4) school regulations relating to absences;

1                   (5) the school grading policy;  
2                   (6) the school rules of operation and conduct;  
3                   (7) school regulations relating to incomplete grades;  
4                   (8) the name, mailing address, and telephone number of  
5 the board [~~commission~~] for the purpose of directing complaints to  
6 the board [~~commission~~]; and  
7                   (9) the current rates of job placement and employment  
8 of students who complete a course of training.

9           (f) If the board [~~commission~~] has reasonable cause to  
10 believe that a private beauty culture school has violated this Act  
11 or a rule adopted under this Act, the board [~~commission~~] may order  
12 a peer review of the school or suspend the admission of students to  
13 the school. A peer review ordered under this subsection shall be  
14 conducted by a peer review team composed of knowledgeable persons  
15 selected by the board [~~commission~~]. The board [~~commission~~] shall  
16 attempt to provide a balance on each team between members assigned  
17 to the team who are from this state and those who are from other  
18 states. The team shall provide the board [~~commission~~] with an  
19 objective assessment of the content of the school's curriculum and  
20 its application. The school under review shall pay the costs of  
21 the peer review.

22           (g) A private beauty culture school that violates this Act  
23 or a rule adopted under this Act is liable for a civil penalty in  
24 addition to any injunctive relief or other remedy provided by law.  
25 The civil penalty may not exceed \$1,000 a day for each violation.  
26 The attorney general, at the request of the board [~~commission~~], may  
27 bring a civil action to collect a civil penalty under this



1 subsection. Civil penalties recovered in a suit brought under this  
2 subsection shall be deposited in the state treasury to the credit  
3 of the General Revenue Fund.

4 SECTION 34. Section 29, Chapter 1036, Acts of the 62nd  
5 Legislature, Regular Session, 1971 (Article 8451a, Vernon's Texas  
6 Civil Statutes), is amended to read as follows:

7 Sec. 29. RIGHT OF ACCESS. The board [~~commission~~], an  
8 inspector, or any duly authorized representative of the board  
9 [~~commission~~] may enter the premises of any licensee at any time  
10 during normal business hours to determine whether the licensee is  
11 in compliance with this Act and the rules of the board  
12 [~~commission~~].

13 SECTION 35. Section 30, Chapter 1036, Acts of the 62nd  
14 Legislature, Regular Session, 1971 (Article 8451a, Vernon's Texas  
15 Civil Statutes), is amended to read as follows:

16 Sec. 30. EXAMINATIONS. (a) The board [~~commission~~] shall  
17 use a written examination, selected by the board [~~commission~~], to  
18 examine license applicants and may require a practical examination  
19 for licenses and certificates issued under this Act, as the board  
20 [~~commission~~] considers necessary. The written examination must be  
21 validated by independent testing professionals or be purchased from  
22 a national testing service. The board [~~commission~~] shall prescribe  
23 the method and content of any practical examination.

24 (b) On receipt of a written request by a student, the board  
25 [~~commission~~] may provide for the early written examination of a  
26 cosmetology operator license student who has completed at least  
27 1,000 hours of instruction in a training program approved by the

1     board [~~commission~~].     Agency inspectors may administer an  
2     examination conducted under this subsection on-site at beauty  
3     culture schools throughout the state.

4             (c) Examinations shall be conducted beginning the first of  
5     each month unless it is a legal holiday, in which case the  
6     examination shall begin on the following day. The site of the  
7     examinations shall be announced at least six months prior to the  
8     administration date. Examinations may not be conducted in the  
9     schools of board [~~commission~~] members.

10            (d) Not later than the 30th day after the date on which an  
11     examination is administered under this Act, the board [~~commission~~]  
12     shall notify each examinee of the results of the examination.  
13     However, except as otherwise provided by this subsection, if an  
14     examination is graded or reviewed by a national testing service,  
15     the board [~~commission~~] shall notify examinees of the results of the  
16     examination not later than the 14th day after the date on which the  
17     board [~~commission~~] receives the results from the testing service.  
18     If the notice of examination results graded or reviewed by a  
19     national testing service will be delayed for longer than 90 days  
20     after the examination date, the board [~~commission~~] shall notify the  
21     examinee of the reason for the delay before the 90th day. If the  
22     examinee is a student in a vocational cosmetology program in a  
23     public school, the board [~~commission~~] shall grade the examination  
24     and may not submit the examination for grading by a national  
25     testing service. If requested in writing by a person who fails the  
26     examination, the board [~~commission~~] shall send to the person not  
27     later than the 60th day after the day on which the request is

1 received by the board [~~commission~~] an analysis of the person's  
2 performance on the examination.

3 SECTION 36. Sections 33(d)-(h), Chapter 1036, Acts of the  
4 62nd Legislature, Regular Session, 1971 (Article 8451a, Vernon's  
5 Texas Civil Statutes), are amended to read as follows:

6 (d) All licenses and certificates issued by the board  
7 [~~commission~~] may be prorated for the number of months the license  
8 or certificate will be valid.

9 (e) A license that has been expired for less than 30 days  
10 may be renewed. A renewal license shall be issued on submission of  
11 a completed application form prescribed by the board [~~commission~~]  
12 and payment of the renewal fee, plus the delinquency fee prescribed  
13 by the board [~~commission~~].

14 (f) Except as provided by Subsection (h) of this section, a  
15 license that has been expired for more than 30 days but less than  
16 five years may be renewed. A renewal license shall be issued on  
17 submission of an application, payment of the fee established by  
18 this Act for each year the license has been expired, and payment of  
19 the delinquency fee prescribed by the board [~~commission~~].

20 (g) An applicant for renewal of a license that has been  
21 expired for more than five years shall be issued a license on  
22 submission of an application, payment of the examination fee,  
23 satisfactory completion of the examination, and payment of the  
24 reinstatement fee prescribed by the board [~~commission~~].

25 (h) A private beauty culture school license that has been  
26 expired for more than 30 days may not be renewed. The licensee may  
27 apply for an original license under the current requirements and

1 fees. The board [~~commission~~] may not accept credit hours for  
2 examination after the 30th day of expiration of a license subject  
3 to this subsection.

4 SECTION 37. Section 34, Chapter 1036, Acts of the 62nd  
5 Legislature, Regular Session, 1971 (Article 8451a, Vernon's Texas  
6 Civil Statutes), is amended to read as follows:

7 Sec. 34. RENEWAL FEES. (a) The board [~~commission~~] shall  
8 prescribe renewal fees under this Act.

9 (b) The board [~~commission~~] by rule shall establish the  
10 renewal fee for a booth rental license.

11 SECTION 38. Section 35, Chapter 1036, Acts of the 62nd  
12 Legislature, Regular Session, 1971 (Article 8451a, Vernon's Texas  
13 Civil Statutes), is amended to read as follows:

14 Sec. 35. VIOLATION. (a) If an inspector discovers a  
15 violation of this Act or of a rule established by the board  
16 [~~commission~~], the inspector shall:

17 (1) give written notice of the violation on a form  
18 prescribed by the board [~~commission~~] to the violator; and

19 (2) file a complaint with the executive director.

20 (b) If a licensee commits a violation of this Act or a rule  
21 adopted under this Act and the violation poses a serious threat to  
22 the public health, the board [~~commission~~] shall initiate a suit for  
23 injunction and proceedings for suspension or revocation of the  
24 license.

25 SECTION 39. Sections 35A(a), (d), (g), (h), (i), (j), and  
26 (n), Chapter 1036, Acts of the 62nd Legislature, Regular Session,  
27 1971 (Article 8451a, Vernon's Texas Civil Statutes), are amended to

1 read as follows:

2 (a) The board [~~commission~~] may impose an administrative  
3 penalty against a person licensed or regulated under this Act who  
4 violates this Act or a rule or order adopted under this Act.

5 (d) The executive director, on a determination that a  
6 violation has occurred, may issue to the board [~~commission~~] a  
7 report that states the facts on which the determination is based  
8 and the director's recommendation on the imposition of a penalty,  
9 including a recommendation on the amount of the penalty.

10 (g) If the person accepts the determination and recommended  
11 penalty of the executive director, the board [~~commission~~] by order  
12 shall approve the determination and impose the recommended penalty.

13 (h) If the person requests a hearing or fails to respond  
14 timely to the notice, the executive director shall set a hearing  
15 and give notice of the hearing to the person. The hearing shall be  
16 held by an administrative law judge of the State Office of  
17 Administrative Hearings. The administrative law judge shall make  
18 findings of fact and conclusions of law and promptly issue to the  
19 board [~~commission~~] a proposal for a decision about the occurrence  
20 of the violation and the amount of a proposed penalty. Based on  
21 the findings of fact, conclusions of law, and proposal for a  
22 decision, the board [~~commission~~] by order may find that a violation  
23 has occurred and impose a penalty or may find that no violation  
24 occurred.

25 (i) The notice of the board's [~~commission's~~] order given to  
26 the person under Chapter 2001, Government Code, must include a  
27 statement of the right of the person to judicial review of the

1 order.

2 (j) Within 30 days after the date the board's [~~commission's~~]  
3 order becomes final as provided by Section 2001.144, Government  
4 Code, the person shall:

5 (1) pay the amount of the penalty;

6 (2) pay the amount of the penalty and file a petition  
7 for judicial review contesting the occurrence of the violation, the  
8 amount of the penalty, or both the occurrence of the violation and  
9 the amount of the penalty; or

10 (3) without paying the amount of the penalty, file a  
11 petition for judicial review contesting the occurrence of the  
12 violation, the amount of the penalty, or both the occurrence of the  
13 violation and the amount of the penalty.

14 (n) Judicial review of the order of the board [~~commission~~]:

15 (1) is instituted by filing a petition as provided by  
16 Subchapter G, Chapter 2001, Government Code; and

17 (2) is under the substantial evidence rule.

18 SECTION 40. Section 38(a), Chapter 1036, Acts of the 62nd  
19 Legislature, Regular Session, 1971 (Article 8451a, Vernon's Texas  
20 Civil Statutes), is amended to read as follows:

21 (a) The board [~~commission~~] may sue in district court to  
22 enjoin or restrain a person from violating any section of this Act  
23 or the board [~~commission~~] rules.

24 SECTION 41. Section 232.002, Family Code, is amended to read  
25 as follows:

26 Sec. 232.002. LICENSING AUTHORITIES SUBJECT TO CHAPTER. The  
27 following state agencies are licensing authorities subject to this

chapter:

- (1) Department of Agriculture;
- (2) Texas Commission on Alcohol and Drug Abuse;
- (3) Texas Alcoholic Beverage Commission;
- (4) Texas Appraiser Licensing and Certification Board;
- (5) Texas Board of Architectural Examiners;
- (6) Texas Board of Barber and Cosmetologist Examiners  
[State-Board-of-Barber-Examiners];
- (7) Texas Board of Chiropractic Examiners;
- (8) Comptroller of Public Accounts;
- (9) [~~Texas-Cosmetology-Commission~~;
- [~~+10~~] Court Reporters Certification Board;
- (10) [~~+11~~] State Board of Dental Examiners;
- (11) [~~+12~~] Texas State Board of Examiners of  
Dietitians;
- (12) [~~+13~~] Texas Funeral Service Commission;
- (13) [~~+14~~] Texas Department of Health;
- (14) [~~+15~~] Texas Department of Human Services;
- (15) [~~+16~~] Texas Board of Professional Land  
Surveying;
- (16) [~~+17~~] Texas Department of Licensing and  
Regulation;
- (17) [~~+18~~] Texas State Board of Examiners of Marriage  
and Family Therapists;
- (18) [~~+19~~] Texas State Board of Medical Examiners;
- (19) [~~+20~~] Midwifery Board;
- (20) [~~+21~~] Texas Natural Resource Conservation

1 Commission;

2 (21) [†22] Board of Nurse Examiners;

3 (22) [†23] Texas Board of Occupational Therapy  
4 Examiners;

5 (23) [†24] Texas Optometry Board;

6 (24) [†25] Parks and Wildlife Department;

7 (25) [†26] Texas State Board of Examiners of  
8 Perfusionists;

9 (26) [†27] Texas State Board of Pharmacy;

10 (27) [†28] Texas Board of Physical Therapy Examiners;

11 (28) [†29] Texas State Board of Plumbing Examiners;

12 (29) [†30] Texas State Board of Podiatric Medical  
13 Examiners;

14 (30) [†31] Polygraph Examiners Board;

15 (31) [†32] Texas Board of Private Investigators and  
16 Private Security Agencies;

17 (32) [†33] Texas State Board of Examiners of  
18 Professional Counselors;

19 (33) [†34] State Board of Registration for  
20 Professional Engineers;

21 (34) [†35] Department of Protective and Regulatory  
22 Services;

23 (35) [†36] Texas State Board of Examiners of  
24 Psychologists;

25 (36) [†37] Texas State Board of Public Accountancy;

26 (37) [†38] Department of Public Safety of the State  
27 of Texas;



1                    (38) [~~39~~] Public Utility Commission of Texas;  
 2                    (39) [~~40~~] Railroad Commission of Texas;  
 3                    (40) [~~41~~] Texas Real Estate Commission;  
 4                    (41) [~~42~~] State Bar of Texas;  
 5                    (42) [~~43~~] Texas State Board of Social Worker  
 6      Examiners;  
 7                    (43) [~~44~~] State Board of Examiners for  
 8      Speech-Language Pathology and Audiology;  
 9                    (44) [~~45~~] Texas Structural Pest Control Board;  
 10                   (45) [~~46~~] Board of Tax Professional Examiners;  
 11                   (46) [~~47~~] Secretary of State;  
 12                   (47) [~~48~~] Supreme Court of Texas;  
 13                   (48) [~~49~~] Texas Transportation Commission;  
 14                   (49) [~~50~~] State Board of Veterinary Medical  
 15      Examiners;  
 16                   (50) [~~51~~] Board of Vocational Nurse Examiners;  
 17                   (51) [~~52~~] Texas Ethics Commission;  
 18                   (52) [~~53~~] Advisory Board of Athletic Trainers;  
 19                   (53) [~~54~~] State Committee of Examiners in the  
 20      Fitting and Dispensing of Hearing Instruments;  
 21                   (54) [~~55~~] Texas Board of Licensure for Professional  
 22      Medical Physicists; [and]  
 23                   (55) [~~56~~] Texas Department of Insurance; and[~~7~~]  
 24                   (56) [~~57~~] Texas Board of Orthotics and Prosthetics.

25      SECTION 42. (a) This Act takes effect September 1, 1999.

26      (b) The following laws are repealed:

27                    (1) Sections 23, 26, 26a, 26b, 26c, 27, 29A, 29C, and

1 29D, Chapter 65, Acts of the 41st Legislature, 1st Called Session,  
2 1929 (Article 8407a, Vernon's Texas Civil Statutes);

3 (2) Section 29B, Chapter 65, Acts of the 41st  
4 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
5 Texas Civil Statutes), as amended by Chapters 561 and 629, Acts of  
6 the 72nd Legislature, Regular Session, 1991;

7 (3) Sections 2, 3, 5, 6, 8, 28, 37, and 41, Chapter  
8 1036, Acts of the 62nd Legislature, Regular Session, 1971 (Article  
9 8451a, Vernon's Texas Civil Statutes); and

10 (4) Section 7, Chapter 1036, Acts of the 62nd  
11 Legislature, Regular Session, 1971 (Article 8451a, Vernon's Texas  
12 Civil Statutes), as amended by Chapters 561 and 626, Acts of the  
13 72nd Legislature, Regular Session, 1991.

14 (c) The State Board of Barber Examiners and the Texas  
15 Cosmetology Commission are abolished but continue in existence  
16 until September 1, 2000, for the sole purpose of transferring  
17 obligations, property, rights, powers, and duties to the Texas  
18 Board of Barber and Cosmetologist Examiners created under this Act.  
19 The Texas Board of Barber and Cosmetologist Examiners assumes all  
20 of the obligations, property, rights, powers, and duties of the  
21 State Board of Barber Examiners and the Texas Cosmetology  
22 Commission, as exercised by those agencies immediately before the  
23 effective date of this Act. All unexpended funds appropriated to  
24 the State Board of Barber Examiners and the Texas Cosmetology  
25 Commission are transferred to the Texas Board of Barber and  
26 Cosmetologist Examiners. The transfer of the obligations,  
27 property, rights, powers, and duties of the State Board of Barber

1 exempt from the board member training requirements under Section  
2 14, Article 8475, Revised Statutes, as added by this Act.

3 SECTION 44. The importance of this legislation and the  
4 crowded condition of the calendars in both houses create an  
5 emergency and an imperative public necessity that the  
6 constitutional rule requiring bills to be read on three several  
7 days in each house be suspended, and this rule is hereby suspended.

## A BILL TO BE ENTITLED

## AN ACT:

Relating to the regulation of barbers and cosmetologists under the Texas Board of Barber and Cosmetologist Examiners and the abolition of the State Board of Barber Examiners and the Texas Cosmetology Commission.

**FEB 17 1999**

Filed with the Secretary of the Senate

**FEB 18 1999**Read and referred to Committee on STATE AFFAIRS

Reported favorably \_\_\_\_\_

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent  
\_\_\_\_\_ yeas, \_\_\_\_\_ naysRead second time, \_\_\_\_\_, and ordered engrossed by: { unanimous consent  
a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

Senate and Constitutional 3 Day Rule suspended by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

Read third time, \_\_\_\_\_, and passed by: { A viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays\_\_\_\_\_  
SECRETARY OF THE SENATE

## OTHER ACTION:

\_\_\_\_\_  
Engrossed\_\_\_\_\_  
Sent to House

Engrossing Clerk \_\_\_\_\_

\_\_\_\_\_  
Received from the Senate\_\_\_\_\_  
Read first time and referred to Committee on \_\_\_\_\_\_\_\_\_\_  
Reported \_\_\_\_\_ favorably (as amended) (as substituted)\_\_\_\_\_  
Sent to Committee on (Calendars) (Local & Consent Calendars)\_\_\_\_\_  
Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)\_\_\_\_\_  
Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)  
by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting.\_\_\_\_\_  
Read third time (amended); finally passed (failed to pass) by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)\_\_\_\_\_  
Returned to Senate.\_\_\_\_\_  
Returned from House without amendment.\_\_\_\_\_  
Returned from House with \_\_\_\_\_ amendments.\_\_\_\_\_  
Concurred in House amendments by a viva voce vote \_\_\_\_\_ yeas, \_\_\_\_\_ nays.\_\_\_\_\_  
CHIEF CLERK OF THE HOUSE

\_\_\_\_\_ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

\_\_\_\_\_ Senate conferees instructed.

\_\_\_\_\_ Senate conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_

\_\_\_\_\_ House granted Senate request. House conferees appointed: \_\_\_\_\_, Chairman;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ Conference Committee Report read and filed with the Secretary of the Senate.

\_\_\_\_\_ Conference Committee Report adopted on the part of the House by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

\_\_\_\_\_ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

**OTHER ACTION:**

\_\_\_\_\_ Recommitted to Conference Committee

\_\_\_\_\_ Conferees discharged.

\_\_\_\_\_ Conference Committee Report failed of adoption by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays